

The Leesburg Planning Commission met in regular session on Thursday, July 20, 2000 at 7:00pm in Council Chambers, 25 West Market Street, Leesburg, Va. Members present for this meeting were: Chairman G. Glikas, Vice-Chairman C. Vaughan, Commissioners: C. Cable, K. Kearns, D. Kennedy, and K. Umstattd, S. Rutherford and L. Schonberger. Staff members present for the meeting were: John Callahan, Delane Parks, Lee Phillips, Stacey Rothfuss and Mike Tompkins.

**Minutes:**

Not available at this time.

**Petitioners:**

None

**Councilmanic Report:**

Judy Ahalt was recognized for commendable service to the organization. She will be missed very much from the entire group.

Commissioner Umstattd just wanted to let the commission know that I attended a three-day conference last week posted by the Virginia Association of Planning District Commissions, at which we heard presentations from Central Shenandoah on the unbelievably horrific flooding problems they have had in the last 6 years. They have had 8 100-year floods in that region. And the devastation is unbelievable. We also had a presentation from the Hampton Roads Planning District Commission on the fiscal crisis on local government, where as the state and federal continues to increase. And yet, both forms of government send less funds of money to the localities.

We also heard from the Secretary of Transportation, that the state would spend \$3 Billion dollars statewide on transportation projects. However, the problem is that Northern Virginia alone has an immediate need alone for \$45 Billion worth of projects. And there are other areas in the state that do not have as great a need. However, there is a major short fall in the need for transportation funding.

**Public Hearings:**

Chairman Gus Glikas began with the introduction about 24 Church Street. The public hearing is open for everyone for 6 minutes.

Stacey Rothfuss offered a request located at the corner of 24 Church Street and Cornwall Street. The request to have the property rezoned from residential (RHD) to business (B1). There is currently an existing single family home that is vacant; however, what is being requested is that the property be rezoned with proffers that limit the use of the property to a home occupation. They intend to renovate the existing home for offices at

this time. But there is a remaining section of the property that also may warrant future development. But at this point there is no future development proposed.

Stacy stated that the town could to rezone this entire property. However, I would like to point out that there are three main issues that staff came up with and they were discussed, as well as listening to the neighbors:

1. Is it appropriate to remove all assurances of residential development on this property in the downtown historic district? However, I do want to stress assurances that the applicant is offering to have residential use of this property. However, we do not know when, if or how this will be done at this time. Therefore, I am not trying to insinuate that there may never be any residence on this property, but we do need to give that some consideration.
2. Are office uses in this space compatible with current use and future land use plans of the downtown area?
3. Will additional trip generation and parking requirements be adequately accommodated?

These are three main issues that I wanted to bring to your attention. Those are the key issues of this application that the staff has been handling. Showing a plat with the property with the existing house and parking noted. Parking for office use is being accommodated on site based on the square footage, about 2400 square feet. The circulation on site has changed, coming off Cornwall one way, showing original circulation. I will let you know that there will be some comments regarding the circulation. I spoke with Calvin Crow since Cornwall is a one-way street; some may need to wind through the neighborhood to get to the office. For the benefit of the neighbors that are here, the staff is working on some issues that still need to be ironed out with this application. Not many that cannot be ironed out; it's just a matter of addressing each. I spoke with Kristie Lalire, liaison for the Board of Architectural Review, that will ultimately review the design of this project. Her one concern was with the present design that townhouses may have in that neighborhood. One thing that we may suggest is that the applicant will come up with some additional development guidelines for townhouses. I don't think they're going to do any major exterior renovation. There is some language regarding brick sidewalk to be constructed along just one side of the property on Church Street. They are offering to phase the brick sidewalk. We suggest that they wrap it around the corner to the end of the existing home, which might tie in the whole project. It is not a major point, but something the Architectural Board may point out. The proffers mention a contribution for roadway improvements; however, the way it is written is confusing for staff. We suggest that they give us a flat dollar contribution. The last item listed in more detail is trying to retain a residential use, we tried to come up with a way the applicant may address this issue such as using the existing garage to a dwelling unit, to renovate a section of the building to have a residential component to it or suggest a time period. An archeological study has revealed the presence of a privy that needs to be moved. It has been suggested the Town of Leesburg do the study. There is a concern by other residents about the use of the entire building if the zoning is changed. If office use is

accepted, will the entire unit be zoned for office use? I will be glad to address any questions.

I am Lawrence McClafferty and represent the applicant, Nicholas Donnangelo; I'm with the Leesburg office of McCandlish and Lillard. Before the commission is the application for 24 North Church Street to rezone from RHD and H1 to B1 and H1 districts. If approved the applicant will use the property as office space, maintaining the exterior in its current state with the trees and garden. Since the death of Mrs. Fry, the previous owner, the property has been vacant and unused. Mr. Donnangelo purchased the property and has spent sixty thousand dollars to renovate the interior as it was in dire need. Mr. Donnangelo lives directly across the street and has a very real interest in retaining the character of the historic building and doing what is best for the neighborhood. It is unique in the neighborhood as you can see on the drawing from the west of the house is the new court construction zone, to the south is the St. James Historical Cemetery and to the east is the Loudoun County Court complex. Directly across Cornwell St. is the Olive Branch Lodge. And next to that are three residents of which one is Mr. Donnangelo's. All the owners have been given notice of tonight's hearing. Unlike the three residents on Cornwall, this home has no neighbors to the right or left, and next to the lodge is the parking lot for the court complex. The house has been vacant for many years and consumed by the neighborhood. The plan proffers to leave the exterior; only the internals would change, the rear yard contains about 6,000 sq. ft. and is suitable for some sort of development. It would be residential, home occupation, or small office space. There would be no hotel, no restaurant, no parking lot or retail center. The applicant agrees with the town that retail belongs on King St. Office space and residential should be in areas like this to relieve the pressure of office space on King St. The rusting fence will be replaced by a white picket fence. There are 8 spaces for onsite parking. The Department of Planning and Transportation report states that there are no regional and public transportation issues, which would preclude approval of this application. We believe this building would be used for a law firm, title company or civil engineering firm in keeping with the surrounding usage, a 9-5 operation and would bring additional taxes to the town. The staff has recommended approval, but would like to see several conditions addressed. One is a desire to retain some residential use, in regard to the privy or shed in the back (passed around photographs). As part of the proffer, we would like to relocate the privy. At this time, archeological study could be done at the privy site. The original plan was that the town would undertake the study, however, the new comments that Mr. Donnangelo should pay for the study of the earth beneath the privy. It is exceedingly expensive and some of the others things are more important to spend the money on such as the brick sidewalk and new fence. Of course, the Board of Architectural Review has to approve the relocation of the privy and all other changes. It has been suggested that the garage could be converted to a residential space. It is only one room with a loft and would be very expensive. I don't know if anyone would want to live in this tiny space. Certainly not a family. We don't believe that is a practical use. We don't believe it feasible to convert the upstairs to residential area. There is only one way to get upstairs with no other access; the building should be kept intact. How can the second floor and first floor be

kept separate? Maybe it would be more appropriate for retail, but we don't think the neighbors want that. We believe that a small office would be practical. Since we don't know the future use of the area behind the building, we are reluctant to commit a percentage of the property to residential. Nothing prohibits the property from once again becoming residential. The house will remain intact. Those are generally the points I wanted to address this evening. The transportation costs regarding \$6,450 would be set aside. We have raised that to \$7,000. Considering the additional tax revenue to the town, we believe it's fair to offset that or give us a credit for the additional revenue brought in.

Chairman Glikas asked Stacey if she had any comments? Stacey replied that a single tenant office would generate 28 trips; a single-family house will generate 10 trips.

Chairman Glikas would like to open for public comments. My name is David Frye and I have lived at 107 N. Church St. for 39 years. I'm not in favor of the zoning change. There needs to be parking. All the grass and green space is gone. An exit ramp onto Church St. already part of the yard is plowed. The traffic is now unbearable and will add to the current traffic problem.

I am Claire Larson, President of the Exeter Square Homeowners Association. We are 15 townhouses and interested in trying to preserve this historic district, which is becoming more difficult. Ms. Larson read her statement regarding the concern of her board and the trend to rezone the fine historic property. It appears that we will soon be surrounded by business property. We are setting precedents that will be used to rezone more historic property. This property could easily be renovated and we would have save another fine proper for private use. These types of property are one of our main tourist attractions. Another concern is traffic and parking. The roads are narrow and non-conforming. There is no way to widen it. The completion of the court complex is going to make it worse. The county just squeaked by their property requirements. We are very much opposed to this "spot zoning". There are no proffers on the vacant lot next to 24 Church St. What will we see on this property in 2-5 years? Another business? Would it seem appropriate that we determine the long-range plan now? The current buildings for sale or rent can meet the need for office space. If the garage is renovated for residential, it can be rented within 48 hours.

Commissioner Kennedy asked about the need of the archeological study for early 20<sup>th</sup> century items, and the brick sidewalk construction, and clarification of the \$7,000 transportation costs. Stacey clarified some issues and deferred others to Kristie Lalire.

Commissioner Vaughn's concern is about the conflict of spot zoning up and down Cornwall. If it makes sense to rezone some of the buildings, why not rezone the area in total instead of waiting for individuals ask. It is bad precedent to set for the town to set policy that says to zone property as people come in. This application starts us on that path. The town attorney does not seem to be concerned and will defend it as

needed. Once Pandora's box is opened, we will be hard pressed to tell the next person "no". That hasn't been addressed this evening.

Commissioner Umstattd stated that this issue was previously brought before council on rezoning Royal Street, and overnight the property value assessments increased 50-60% resulting in a 50-60% increase in taxes. I would be much more comfortable with one-by-one instead imposing that potential tax increase on everybody without their participation.

Commissioner Schonberger had several concerns. He compared this area with Old Town Alexandria, where a house still looks like a house, but is an office, however, it blends in with the neighborhood. The transition is reasonable, but the manner in which it occurs deserves serious attention by the applicant. It needs to be a lot tighter, short of that I would not be in favor of rezoning. "Spot" does not bother me; in this area it can go either way.

Commissioner Kearns was concerned about the current process of rewriting the zoning ordinances. The timing on this is not appropriate. The property, because of its location, is a natural for commercial use; however, I am very reluctant since we are rewriting the zoning ordinance. Until we look at the whole overview, I'm uncomfortable with this. Regarding the archeological study, there should be some history data, not just the age of the house. The transportation issue is also a concern. She thanked the citizens for their comments, because that helps them to understand what they want for the neighborhood.

Chairman Glikas thanked everyone for coming and, if there are no others questions, closed this public hearing for ZM2000-02 for 24 Church Street.

Mr. Tompkins thanked Stacey and Jerry for their professionalism and they will be missed. Several in attendance, thanking Stacey and Jerry for their hard work, made comments.

### **Subdivision and Land Development Plan:**

#### **Edwards Landing-Preliminary Plat Extension**

Lee Phillips, Chief of Planning, stated that the revision of the staff report had the wrong date. This is a request for preliminary plat extension for Edwards Landing. The site was noted on a map. The applicant forgot that the preliminary plat was about to expire, and if the request was submitted within 45 days of its expiration, it must come before the Planning Commission. It cannot be administratively approved. During a site investigation, a civil war artillery fortification was located near the entrance. Initially the recreation center was located there, but has been relocated after refilling a zoning request. The Dennis Brothers made a presentation last week with the idea to make a trail connection from Red Rock Park on Edwards Ferry Road to Balls Bluff Park. We are now in negotiations with Potomac Crossing to continue that

link. The Planning and Engineering Departments are recommending that the preliminary plat be extended. We have an agreement letter. It does not require any changes to be made. An additional processing fee was collected. Larry asked why this letter was necessary. Lee stated that they were asked to cut the unnecessary verbiage out of the initial letter. Commissioner Kennedy moved that the Edwards Landing Preliminary Plat Extension request dated July 20<sup>th</sup> be adopted. Commissioner Vaughn seconded. All voted in favor and the motion passed.

### **Zoning Items**

None

### **Comprehensive Planning Items**

None

### **Old and New Business**

#### **Leesburg Chrysler/Dodge – No Adverse Impact**

Delane Parks overlaid the old footprint with the new footprint. There are some minor changes to the landscaping due to the minor changes in the footprint. There were no questions.

### **Committee Reports**

None

The Chairman asked for a motion to adjourn. It was moved and second. The motion passed. The meeting was adjourned.